



Montoya, Darlene <dmontoya@nmag.gov>

Request for OIS Policies

4 messages

Pfetzer, Mark <pfetzerm@sjcounty.net>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Wed, Feb 1, 2017 at 8:25 AM

Ms. Montoya,

Attached to this email you will find the San Juan County Sheriff's Office policy related to Officer Involved Critical Incidents. I apologize for the delay in getting this to you, I was out of the office for an extended period of time and the letter dated January 20th from Julia Anderson was the first I heard about it.

Please let me know if you have any further questions or need any other information.

Respectfully,

Mark Pfetzer


Lieutenant M. Pfetzer

San Juan County Sheriff's Office

Office: (505) 334-6107

Desk: (505) 334-7041

pfetzerm@sjcounty.net

 **4000-5.pdf**
285K

Montoya, Darlene <dmontoya@nmag.gov>
To: "Pfetzer, Mark" <pfetzerm@sjcounty.net>

Fri, Feb 3, 2017 at 10:34 AM

Lieutenant Pfetzer:

Thank you for forwarding me the requested SOPs. As part of the request, the LEAB Subcommittee would also like to know how often these SOPs are reviewed and/or revised; and, how often your officers receive training on these SOPs. Please let me know via email, and I will attach your response to the SOPs.

Thank you again.

[Quoted text hidden]

--

Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501

Pfetzer, Mark <pfetzer@sjcounty.net>
To: "Montoya, Darlene" <dmontoya@nmag.gov>
Cc: "Ferrari, Shane" <ferraris@sjcounty.net>

Fri, Feb 3, 2017 at 12:10 PM

Ms. Montoya,

I apologize if I missed that information to send.

The San Juan County Sheriff's Office is in the middle of a complete policy re-write. While the OIS policy that I sent to you is our current one, it is an older policy as we have not yet updated it. By our new procedures, all policies are reviewed annually after they have been re-written. This review will usually take place at the end of the legislative session each year in case changes need to be made from any new laws or bills.

Our deputies all receive initial training when a policy is written or when they are hired on. They are also sent out any updates/changes made. Certain critical policies are trained on regular intervals. These would include use of force, pursuits, etc. Other policies do not have a re-training requirement. Because the OIS policy has not been re-written, we have not addressed a re-training timeline for it. As it is now, it has no re-training requirement. Because it is more of an "after the fact" policy that addresses post incident issues, I would not foresee it having a yearly training requirement, at least for those below a supervisory rank.

I hope this helps.

Mark

Lieutenant M. Pfetzer

San Juan County Sheriff's Office

Office: (505) 334-6107

Desk: (505) 334-7041

pfetzer@sjcounty.net

From: Montoya, Darlene [mailto:dmontoya@nmag.gov]
Sent: Friday, February 03, 2017 10:35 AM
To: Pfetzer, Mark
Subject: Re: Request for OIS Policies

[Quoted text hidden]


Montoya, Darlene <dmontoya@nmag.gov>
To: "Pfetzer, Mark" <pfetzer@sjcounty.net>

Fri, Feb 3, 2017 at 1:03 PM

No problem LT. I appreciate your response back to us. Thank you again and have a great weekend and be safe.

[Quoted text hidden]

SAN JUAN COUNTY SHERIFF ' S OFFICE

Policy No: 4000-5	Supersedes: N/A	Effective Date: 11/15/2010	Page No.:1 of 5
Subject: Deputy Involved Critical Incidents		Approved by: Sheriff Mark McCloskey 	

PURPOSE:

To provide employees and command staff with guidelines and references in the event of a deputy involved shooting or critical incident involving death, near death, or use of deadly force.

POLICY:

It is the policy of the San Juan County Sheriff's Office to promote optimal service to the employee involved in the incident, the deputy's family, the Sheriff's Office and the community.

PROCEDURE:

At all times, when at the scene of the incident, the supervisor should handle the deputy(s) and all involved personnel in a manner that acknowledges the potential stress caused by the incident.

These steps will be followed as closely as possible for deputy involved shootings, and other critical incidents where the actions of San Juan County Sheriff's Office deputies caused death, serious bodily injury or the use of deadly force whether it results in injury or not.

The policy has been written in chronological order of events that should occur. It is understood that each Critical Incident is different; this policy is to be viewed as a foundation of minimum requirements. Supervisors and involved deputies may expand upon this policy and develop a tailor made response to incidents as necessary.

Initial Response:

Deputy

1. Advise the Communication Center there has been a deputy involved shooting or critical incident and request assistance as needed. The deputy should request a supervisor respond if one is not dispatched with the call for assistance.
2. Ensure appropriate first aid or paramedic response is provided to any person(s) after any use of force that results in the complaint of/or deputy's observance of an injury.

On-Scene Supervisor

1. The on-duty supervisor is dispatched to the scene of the incident and assumes primary responsibility for incident command. This includes not only the law enforcement activities, crime scene preservation, but also the responsibility in caring for involved personnel. Requesting additional manpower and resources to handle ongoing calls for service may be required.

- a. Supervisors may obtain an incident summary
 - i. Type of force used
 - ii. Direction and approximate number of shots fired by the involved deputy(s) and suspect(s).
 - iii. Location of injured persons.
 - iv. Description of outstanding suspect(s) and his/her direction of travel, time elapsed since the suspect was last seen, and any suspect weapon(s).
 - v. Description and location of any known victims or witnesses.
 - vi. Description and location of any known evidence.
 - vii. Other information as necessary to ensure the safety of the public and for law enforcement, and assist in the apprehension of outstanding suspects.
2. Notifies the next level in their chain of command. This person will insure that the rest of the chain of command, up to and including the Sheriff is notified. The Detective Division Lieutenant will be notified and informed of the location of the command post.
3. Makes appropriate arrangements for caring for involved personnel, including arrangements for all necessary medical treatment, response by peer support personnel and calling out the on call chaplain if requested.
4. Supervises the involved deputy(s)
 - a. After consultation with the lead investigation's supervisor, the involved deputy(s) may be taken to a quiet area away from the scene, most like the Sheriff's Office headquarters or the lead agency's headquarters.
 - b. A peer counselor or other supportive friend or deputy likely should remain with the deputy(s) but should be advised not to discuss details of the incident except with the investigators.
 - c. The deputy will be expected to give an initial statement to those in their chain of command.
5. Where possible and appropriate, meets briefly with the involved deputy(s)
 - a. Only minimal preliminary questions should be asked by the supervisor about the incident. The deputy(s) should be advised that a more detailed debriefing will be conducted at a later time.
 - b. Advise deputy(s) that they may seek legal counsel prior to giving a formal statement.

At all times, when at the scene of the incident, the supervisor should handle the deputy(s) and all involved personnel in a manner that acknowledges the stress caused by the incident.

Detective Division

The Detective Division is responsible for criminal investigations where death, substantial bodily harm or discharge of a weapon occurs. The Sheriff's Office may ask another agency to conduct the investigation; however, a representative of the Detective Division will be present so that they may advise the Sheriff's Office of updated information.

1. Coordinates with the Incident Command to authorize deputies at the scene to leave the scene and be taken to a quiet, secure setting when involved deputies are no longer required to remain on scene and the best interest of the deputy has been considered.
2. Meets briefly with the involved deputies, where possible and
 - a. Asks only minimal, preliminary questions about the incident.
 - b. Obtain basic information and advise deputy(s) that a more detailed debriefing will be conducted at a later time.
 - c. Advises deputy not to discuss the incident with anyone except a personal attorney or investigating detective until the conclusion of the preliminary investigation.
3. The investigating agency is responsible for the deputy's duty weapon being taken for laboratory analysis. When the duty weapon is taken, the lead detective shall:
 - a. Assist Crime Scene Investigator in taking custody of the deputy's weapon in a discrete manner (out of the view of the public) for processing, analysis and logging into evidence.
 - b. Sheriff's Office supervisor will arrange for a replacement with another weapon unless it is reasonable to suspect the deputy's actions were criminal.
4. The criminal investigation takes precedent over an administrative investigation. The Internal Affairs Investigator will not initiate an internal administrative investigation until instructed to do so by the Sheriff or their designee.
5. Upon completion of a criminal investigation, the Detectives will forward a complete copy of the crime report to the Internal Affairs Investigator for review and filing.
6. During an interview of a deputy for violation of a criminal statute, a Miranda warning will be given. Unless the deputy is in custody it will be explained to the deputy that they are being asked for a voluntary interview and that they are not being compelled to make a statement. It will also be explained that they have the same rights under Miranda as any other citizen would have. The Internal Affairs Investigator will not participate in a criminal interview, but will be furnished a copy of the interview.

When an administrative investigation is commenced, it shall follow the same procedure as any complaint.

RELEASE OF INFORMATION – The release of information to the media concerning deputy involved shootings or other critical incidents involving death, near death or the use of deadly force will be coordinated through the Sheriff or their designee. In cases where another agency is conducting the criminal investigation, that agency will be responsible for releasing information connected to their investigation. The Sheriff's Office may release information concerning their administrative investigation. This information will be released by the Sheriff or their designee only.

In all cases, no information concerning the names or positions of deputies involved in shooting incidents shall be released to any media representative or other person without the approval of the Sheriff.

Generally, the Sheriff will not authorize release of such information for 48 hours from the time of the incident.

ADMINISTRATIVE LEAVE

Personnel involved in incidents where their actions or use of force results in a death or serious physical injury shall be removed from duty:

1. A minimum of four working days and possibly through the completion of the criminal and /or administrative investigation.

Personnel involved in incidents where their actions or use of force does not result in death or serious physical injury, or any other incident at the direction of the Sheriff, may be removed from duty:

2. A minimum of four working days and possibly through the completion of the criminal and /or administrative investigation.

If the deputy has pre-assigned overtime assignments while on administrative leave, it will be paid as overtime but the deputy will not work it. Regular days off do not count towards the four days off.

RETURN TO DUTY

The Sheriff may return personnel to duty upon completion and review of the following:

1. Clearance from a Department designated specialist for counseling and evaluation.
2. Report from the Detective Division concerning the facts of the investigation.
3. A memorandum from the Internal Affairs Investigator after a preliminary review of the facts.

POST-INCIDENT COUNSELING

All deputies directly involved in a shooting incident shall be required to see an agency designated specialist for counseling and evaluation as soon as practical after the incident.

Involved support personnel should be encouraged and may be required to see such specialist after a shooting or critical incident. After the counseling sessions, the specialist shall advise the Sheriff:

- Whether it would be in the deputy's best interest to continue on administrative leave or modified duty, and for how long.
- What will be the best continued course of action.

The deputy will have follow-up appointments with the counselor six months after the event, and on the one year anniversary. The deputy is not limited to just these appointments and is encouraged to attend additional counseling as the deputy feels necessary.

POST-INCIDENT INVESTIGATION

Any agency investigation of the incident shall be conducted as soon and as quickly as practical.

The Department should brief other agency members concerning the incident so rumors are kept to a minimum. Department members are encouraged to show the involved deputy their concern.

All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Deputies shall refer inquiries from the media to the public information officer, unless otherwise authorized to release a statement pertaining to the incident.

FIREARMS RE-QUALIFICATION – Deputies must qualify with the replacement weapon prior to resuming duty. Both the day course and night course must be passed before return to duty.

POST INCIDENT UP-DATES – The deputy will notify the Administrative Captain of all pending dates of court hearings or depositions and other proceedings for this case. The Administrative Captain will notify the chain of command.

The Administrative Capitan will insure all Sheriff's Office internal reports will be completed including use of force reports, notice of injury or other applicable documentation.